

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL POWERS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant,

v.

NORTH WHIDBEY FIRE AND RESCUE,

Third-Party Defendant.

C21-517 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion for leave to amend, docket no. 24, is GRANTED, and plaintiff shall electronically file his amended complaint within seven (7) days of the date of this Minute Order. Any responsive pleading or motion shall be due within twenty-one (21) days after the amended complaint is filed.¹

¹ Plaintiff proposes to amend his complaint to include the same factual allegations made by the United States in a third-party complaint against North Whidbey Fire and Rescue ("NWFR"). These assertions, namely that NWFR's Marine 25 crew saw, but failed to immediately report, a cooler and seat cushion floating in Deception Pass, are premised on a case-study memorandum issued in September 2019 by the Commander of the Columbia River Sector of the United States Coast Guard. *See* Memo. at ¶ 26, Ex. 1 to Leonetti Decl. (docket no. 41 at 12–13). NWFR's denial that the volunteer firefighters aboard Marine 25 made such observations and/or failed to timely convey them merely raises factual questions that do not render futile plaintiff's plan to name NWFR as a defendant.

Ravi Subramanian
Clerk

s/Gail Glass
Deputy Clerk